

IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMACLOSED  
RECEIVED  
STATE OF OKLAHOMA  
SEP 29 2014

THE CLERK SHALL ENTER THE FOLLOWING ORDERS OF THE COURT.

MICHAEL S. RICHIE  
CLERK

1 C-2014-0426  
Atoka County  
Case Nos. CF-2013-112  
and CM-2010-132  
Honorable Paula Inge,  
District Judge

JERRY ROBERT ANSLEY, JR. v. STATE OF  
OKLAHOMA

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ORDER DISMISSING CERTIORARI APPEAL ATTORNEY GENERAL

Appellant requests that this appeal be dismissed and submits a properly executed affidavit as required by Rule 3.12(B)(2), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2014). Appellant requests that the prosecution of the appeal cease, and acknowledges that once dismissed, the appeal cannot be reinstated. Appellant's certiorari appeal is **DISMISSED**. Pursuant to Rule 3.15, *Id.*, the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

CONCUR: Lewis, P.J.; Smith, V.P.J.; Lumpkin, J.; A. Johnson, J.

2 HB-2014-0793  
Tulsa County  
Case No. CF-2013-941  
Honorable William J. Musseman  
District Judge

IN RE: HABEAS CORPUS OF PHILLIP  
HUDSON, JR. v. STATE OF OKLAHOMAORDER DECLINING JURISDICTION

Petitioner's request for extraordinary relief was denied by the District Court in an order filed August 8, 2014. Petitioner's request for extraordinary relief filed with this Court was due for filing with this Court on or before September 7, 2014, but was not filed until September 15, 2014. Petitioner failed to file the request for extraordinary relief with the Clerk of this Court within thirty (30) days from the filing date of the District Court's order as required by Rule 10.1(C), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2014). Petitioner's request was not timely filed. The Court **DECLINES** jurisdiction and **DISMISSES** this matter.

CONCUR: Lewis, P.J.; Smith, V.P.J.; Lumpkin, J.; A. Johnson, J.

3 C-2014-576  
Tulsa County  
Case No. CF-2012-4414  
Honorable Tom Gillert  
District Judge

JERRY LEON MASON v. STATE OF  
OKLAHOMA

**ORDER DISMISSING APPEAL**

Petitioner did not file the Notice of Intent to Appeal and Designation of Record in the District Court within ten (10) days of the date the judgment and sentence was imposed as required by this Court's Rule 2.5(A), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2014). Filing of the Notice of Intent to Appeal and Designation of Record is jurisdictional, and failure to timely file constitutes waiver of the right to appeal. Petitioner's appeal is **DISMISSED**. If Petitioner feels he has been denied an appeal through no fault of his own, he may seek the appropriate relief with the District Court. See, Rule 2.1(E)(1), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2014). Issuance of this order concludes proceedings before this Court.

CONCUR: Lewis, P.J.; Smith, V.P.J.; Lumpkin, J.; A. Johnson, J.

4 PC-2014-788 EUGENE T. FOUST v. STATE OF OKLAHOMA  
Tulsa County  
Case No. CF-1988-518  
Honorable Tom Gillert  
District Judge

## ORDER DECLINING JURISDICTION

Petitioner's request for post conviction relief was denied by the District Court in an order filed August 12, 2014. Petitioner's Petition in Error should have been filed with this Court on or before September 11, 2014, but was not filed until September 12, 2014. Petitioner failed to timely file the Petition in Error with the Clerk of this Court within thirty (30) days from the filing date of the District Court's final order. See, Rule 5.2(C)(2), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2014). The Court **DECLINES** jurisdiction and **DISMISSES** this matter. If Petitioner feels he has been denied a post-conviction appeal through no fault of his own, he may seek the appropriate relief with the District Court. See, Rule 2.1(E)(3), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2014).

CONCUR: Lewis, P.J.; Smith, V.P.J.; Lumpkin, J.; A. Johnson, J.

5 PC-2014-789 EUGENE T. FOUST v. STATE OF OKLAHOMA  
Tulsa County  
Case No. CF-1988-606  
Honorable Tom Gillert  
District Judge

## **ORDER DECLINING JURISDICTION**

Petitioner's request for post conviction relief was denied by the District Court in an order filed August 12, 2014. Petitioner's Petition in Error should have been filed with this Court on or before September 11, 2014, but was not filed until September 12, 2014. Petitioner

Order 09-15-14

failed to timely file the Petition in Error with the Clerk of this Court within thirty (30) days from the filing date of the District Court's final order. *See, Rule 5.2(C)(2), Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch.18, App. (2014).* The Court **DECLINES** jurisdiction and **DISMISSES** this matter. If Petitioner feels he has been denied a post-conviction appeal through no fault of his own, he may seek the appropriate relief with the District Court. *See, Rule 2.1(E)(3), Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch.18, App. (2014).*

CONCUR: Lewis, P.J.; Smith, V.P.J.; Lumpkin, J.; A. Johnson, J.

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**C-2014-647**  
**Cleveland County**  
**Case No. CF-2012-1888**  
**Honorable Lori Walkley**  
**District Judge**

**CHELSEA NICOLE HURST v. STATE OF  
OKLAHOMA**

**ORDER DISMISSING APPEAL**

Petitioner did not file the Notice of Intent to Appeal and Designation of Record in the District Court within ten (10) days of the date the judgment and sentence was imposed as required by this Court's Rule 2.5(A), *Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch.18, App. (2014).* Filing of the Notice of Intent to Appeal and Designation of Record is jurisdictional, and failure to timely file constitutes waiver of the right to appeal. Petitioner's appeal is **DISMISSED**. If Petitioner feels she has been denied an appeal through no fault of her own, she may seek the appropriate relief with the District Court. *See, Rule 2.1(E)(1), Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch.18, App. (2014).* Issuance of this order concludes proceedings before this Court.

CONCUR: Lewis, P.J.; Smith, V.P.J.; Lumpkin, J.; A. Johnson, J.

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**OD-2014-711**  
**Stephens County**  
**Case Nos. CF-2012-293**  
**and CF-2013-92**  
**Honorable Dennis L. Gay**  
**Associate District Judge**

**CARLOS RAY JOY v. STATE OF OKLAHOMA**

**ORDER DISMISSING APPEAL**

Petitioner did not file the Notice of Appeal in the District Court within ten (10) days of the date the order of detention was imposed as required by this Court's Rule 8.8(C), *Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch.18, App. (2014).* Filing of the Notice of Appeal is jurisdictional, and failure to timely file constitutes waiver of the right to appeal. Petitioner's appeal is **DISMISSED**. If Petitioner feels he has been denied an appeal through no fault of his own, he may seek the appropriate relief with the District Court. *See, Rule*

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2.1(E)(1), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2014). Issuance of this order concludes proceedings before this Court.

CONCUR: Lewis, P.J.; Smith, V.P.J.; Lumpkin, J.; A. Johnson, J.

8 MA-2014-736  
Oklahoma County  
Case No. CF-2009-2615  
Honorable Jerry Bass  
District Judge

**MARTRELL D. POLIN v. DISTRICT COURT  
OF OKLAHOMA COUNTY**

**ORDER DISMISsing REQUEST AS MOOT**

On September 11, 2014, the District Court fully adjudicated Petitioner's complaints regarding the pending matters in this case. Petitioner's request for a Writ of Mandamus is therefore **MOOT** and is **DISMISSED**.

CONCUR: Lewis, P.J.; Smith, V.P.J.; Lumpkin, J.; A. Johnson, J.

9 MA-2014-799  
Tulsa County  
Case No. CF-2000-5424  
Honorable William Musseman  
District Judge

**ALVIS C. HIGGINS v. STATE OF  
OKLAHOMA**

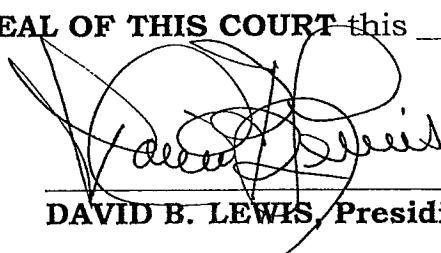
**ORDER DISMISsing REQUEST AS MOOT**

On August 13, 2014, the District Court fully adjudicated Petitioner's complaints regarding the pending matters in this case. Petitioner's request for a Writ of Mandamus is therefore **MOOT** and is **DISMISSED**.

CONCUR: Lewis, P.J.; Smith, V.P.J.; Lumpkin, J.; A. Johnson, J.

**IT IS SO ORDERED.**

WITNESS MY HAND AND THE SEAL OF THIS COURT this 29<sup>th</sup> day  
of September, 2014.

  
DAVID B. LEWIS Presiding Judge

ATTEST:

  
Michael D. Lichee  
Clerk